

REMARKS

Claims 1 - 14 are pending in the application.

Interview

The applicant thanks the examiner for the courtesy of an interview on October 24, 2005, to discuss the prior art *Hinkle*, color photographs of an embodiment of a fence panel according to the present invention and an embodiment of the fence panel according to *Hinkle*, and amended claim language distinguishing the invention from *Hinkle*. It was agreed to include in the independent claims the limitation "only" in the attaching of the pickets only between the respective first picket and the first longitudinal edge of the rails and only between the respective second picket and the second longitudinal edge of the rails.

Discussion

The present amendment attends to changes discussed at the interview and attends to clarifying the claims. The independent claims are amended recite that the gate includes a pair of rails, with each rail defining a first longitudinal edge and an opposing second longitudinal edge on a side, and first pickets attach by fasteners (for example, welds) only between the respective first picket and the first longitudinal edge of the respective rail, and a second picket that attaches by fasteners (for example, a weld) only between the respective second picket and the second longitudinal edge of the respective rails. The opposing attachments of the first pickets and the second picket to the rails restricts the rails from rolling away from the pickets when the gate panel is racked by moving opposing ends of the panel in opposing vertical directions relative to the terrain surface to track a slope of the terrain surface.

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